

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELI MACK,

Plaintiff,

vs.

WILCOX COUNTY COMMISSION,

Defendant.

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Civil Action: 09-00101-KD-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 6, 2009 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Defendants' Motion be **GRANTED**, that Plaintiff's Title VII claims be dismissed with prejudice, that Plaintiff's § 1981 claims be dismissed without prejudice, and that Plaintiff be granted leave to amend his Complaint.

It is further **ORDERED** that Plaintiff has until **December 30, 2009** within which to file an amended complaint; the failure to timely amend will result in dismissal of this case.

DONE and ORDERED this the **8th** day of **December 2009**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE